

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.  
★ JUL 28 2009 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**BROOKLYN OFFICE**

TZVI WEISS, *et al.*

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.

**STIPULATION  
AND ORDER**

05-cv-4622 (CPS) (MDG)

NATAN APPLEBAUM, *et al.*,

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK PLC,

Defendant.

07-cv-916 (CPS) (MDG)

**STIPULATION AND ORDER**

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate and agree as follows:

WHEREAS, Defendant objected based upon United Kingdom bank secrecy restrictions to the production of certain information requested by the Weiss Plaintiffs, including under the principles of banker-client confidentiality under English law articulated in Tournier v. National Provincial and Union Bank of England, [1924] 1 KB 461 (C.A.), and its progeny;

WHEREAS, the Court overruled Defendant's bank secrecy objections in its May 14, 2007 Memorandum and Order with respect to certain of Plaintiffs' requests;

WHEREAS, pursuant to the Court's September 26, 2008 Minute Order, Plaintiffs submitted to Defendant a list of 65 entities and individuals on November 13, 2008;

WHEREAS, the parties have resolved on the terms stated below their disagreement concerning the proper scope of the term "customer file" as it appears in the Court's September 26, 2008 Minute Order to describe the documents Defendant shall produce with respect to any entities or individuals appearing on Plaintiffs' November 13, 2008 list who were customers of Defendant during the relevant period; and

WHEREAS, Defendant preserves its objection to the production of such documents in light of the principles of banker-client confidentiality under English law articulated in Tournier, but recognizes that the Court has overruled such objection with respect to the types of records subject to the above-described agreement between Plaintiffs and Defendant;

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. For any entities or individuals appearing on Plaintiffs' November 13, 2008 list who were customers of Defendant during the relevant period, in addition to the customer files Defendant maintained for each such customer, Defendant will also produce to Plaintiffs the following documents for the relevant period: (a) the customers' account statements, (b) records of inbound wire transfers in excess of 10,000 GBP identified from the account statements and records of outbound wire transfers that Plaintiffs request from Defendant, based upon the account statements (within 90 days of Plaintiffs' receipt of such wire transfer records, Plaintiffs will advise Defendant whether Plaintiffs request any additional wire transfer records (subject to Defendant's burden and cost-based objections to any such request)), (c) Goalkeeper reports concerning such customers or that refer to such customers in electronically searchable fields, (d) board of director and board committee minutes or presentation materials that refer to such

customers, (e) electronic records maintained by Risk Management, Group Security, Fraud and Payment Operations (the "Departments") that refer to such customers, and (f) electronic messages that refer to such customers that are retrievable from the current electronic message files of any identified relationship manager or assistant relationship manager of such customers (the customer files and (a) through (f) collectively, the "Customer Documents").

2. The scope of Customer Documents as defined above shall also govern the scope of documents to be produced by a bank that is subject to Plaintiffs' subpoena duces tecum addressed to the Royal Bank of Scotland Group plc ("RBS Group"), dated March 24, 2009, in response to Request No. 1 of that subpoena, with respect to any entities or individuals appearing on Plaintiffs' November 13, 2008 list who were customers of such bank during the relevant period, to the extent that the Court enforces that subpoena over Defendant's objections.

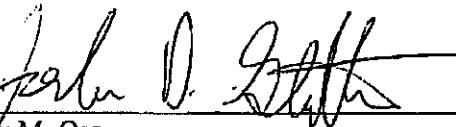
3. This stipulation is without prejudice to Plaintiffs' request for additional documents concerning customers of Defendant or the RBS Group during the relevant period identified on Plaintiffs' November 13, 2008 list or in response to plaintiffs' March 24, 2009 subpoena duces tecum, and without waiver of Defendant's or the RBS Group's objections to any such request.

Dated: May 11, 2009

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Counsel for the Applebaum Plaintiffs

SO ORDERED:

Dated: July 21, 2009

s/Marilyn D. Go

Marilyn D. Go (U.S.M.J.)